

Notice of Allowability

Application No.

10/534,653

Examiner

Courtney Thomas

Applicant(s)

HEUFT ET AL.

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2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed: 06/12/06.
2. ☒ The allowed claim(s) is/are 1,3-5,8,9,12 and 14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3, 4, 5, 8, 9, 12 and 14 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. **As per claim 1 and dependent claims 3, 4, 5 and 8**, the examiner found no reference in the prior art that disclosed or made obvious a device for examining containers for foreign bodies, comprising: a first X-ray source for emitting an X-ray wherein the first X-ray source is arranged above a plane of transport and emits X-rays downward towards the plane of transport in a first predetermined direction, wherein the first predetermined direction is inclined by between approximately 10 degrees and approximately 60 degrees to the plane of transport; and a second X-ray source for emitting an X-ray, wherein the second X-ray source is arranged below the plane of transport and emits X-rays upward towards the plane of transport in a second predetermined direction, wherein the second predetermined direction is inclined by between approximately 10 degrees and approximately 60 degrees to the plane of transport, as recited in independent claim 1.
4. **As per claim 9 and dependent claims 12 and 14**, the examiner found no reference in the prior art that disclosed or made obvious a method of examining filled containers for foreign bodies, the method comprising: passing a first container of a plurality of the containers through X-rays generated by a first X-ray source positioned above the plane of transport and a second X-ray source positioned below the plane of transport, wherein the X-rays have a first predetermined direction from the first X-ray source and a second predetermined direction from the second X-ray source, wherein the first predetermined direction of the X-rays is inclined by an angle to the

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plane of transports the angle measuring approximately between 10 degrees to 60 degrees and the second predetermined direction of the X-rays is inclined by an angle to the plane of transport, the angle measuring approximately between 10 degrees to 60 degrees, as recited in independent claim 9.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **U.S. Patent Application Publication 2005/0105680 to Nabors et al.** discloses a method and apparatus for examining containers for foreign bodies, but does not disclose or made obvious the configurations as claimed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

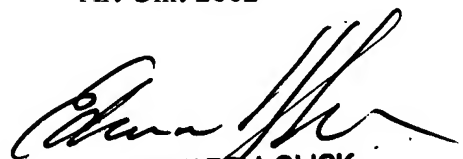
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Courtney Thomas
Examiner
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EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER